

Applicant or Patentee: C. Frank Bennett, Nicholas M. Dean and Lex M. Cowser

Serial or Patent No.: not yet assigned

Date Filed or Issued: herewith

For: Antisense Modulation of nitric oxide synthase - inducible Expression

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN)**

I hereby declare that I am an official empowered to act on behalf of the concern identified below:

**NAME OF CONCERN:** Isis Pharmaceuticals Inc.  
**ADDRESS OF CONCERN:** 2922 Faraday Ave  
Carlsbad, California 92008

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that: (1) the number of employees of the concern, including those of its affiliates, does not exceed 500 persons; and (2) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **Antisense Modulation of nitric oxide synthase - inducible Expression** by inventor(s) C. Frank Bennett, Nicholas M. Dean and Lex M. Cowser described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

**\*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)**

**FULL NAME:**☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN**ADDRESS:**☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 101 of Title 18, United States Code, and that such willful false statements may invalidate the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**NAME OF PERSON SIGNING**  
**TITLE OF PERSON SIGNING**  
**ADDRESS OF PERSON SIGNING**

C. Frank Bennett  
Vice President, Biology  
2292 Faraday Avenue  
Carlsbad, CA 92008

SIGNATURE

DOCKET NO.: RTS-0066

"Express Mail" Label No.: EL263652525US  
Date of Deposit: 1/24/2000

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Antisense Modulation of nitric oxide synthase - inducible Expression** the specification of which:

(XX) is attached hereto.

( ) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed			
			Yes		No	
			Yes		No	
			Yes		No	

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (pending, patented)

Patent Application No.	Examiner's No.

DOCKET NO.: RTS-0066

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Herb Boswell, Registration No. 27,311; Laurel Spear Bernstein, Registration No. 37,280; and Henry P. Wu, Registration No. 44,412 of ISIS Pharmaceuticals, 2292 Faraday Avenue, Carlsbad, California 92008; and Jane Massey Licata, Registration No. 32,257, and Kathleen A. Tyrrell, Registration No. 38,350 of the firm of Law Offices of Jane Massey Licata, 66 East Main Street, Marlton NJ 08053.

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(609) 810-1515

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name: C. Frank Bennett	Inventor's Signature: <i>C. Frank Bennett</i>	Date: 1-17-2000
	Residence: 1347 Cassins Street Carlsbad CA 92009	Citizenship: USA	
	Post Office Address:same as above		
2	Full Name: Nicholas M. Dean	Inventor's Signature: <i>N. M. Dean</i>	Date:
	Residence: 2110 Whisperwind Lane Oliverhain CA 92024	Citizenship: <del>USA</del> UK <i>MD</i>	1/17/00
	Post Office Address:same as above		
3	Full Name: Lex M. Cowser	Inventor's Signature: <i>L. M. Cowser</i>	Date: 1/17/00

Pat. Title: Albinin-1000-1000-1000